

**MINUTES**  
**Colorado State Board of Dental Examiners**  
**OPEN - FULL SESSION**  
**July 9, 2009 8:05 a.m.**  
**1560 Broadway, Suite 1350,**  
**Denver, CO 80202**

**I. CALL TO ORDER**

**MEMBERS PRESENT:** F. Robert Murphy, DDS, Board Chairperson; Elizabeth Thompson, RDH, Board Vice-Chairperson; Catherine Hakala, DDS; Duane Takaki, DDS; Melanie Names, JD; Brian Davidson, MD; Steven A. Tilliss, DDS, MS; Eve Bluestein, MD, DDS; Lisa Reitmaier, RDH; Peter Carlesimo, DDS; Annette Isenbart, RDH and Noble Wallace

**MEMBERS ABSENT:** G. Garo Chalian, DDS

**STAFF PRESENT:** Maulid Miskell, Program Director; Claudia Brett-Goldin, First Assistant Attorney General; Susan Machmer, Assistant Attorney General; Leanne Clasen, Program Assistant; Jessica Lehew, Administrative Assistant and Abigail Gaskins, Compliance Monitor

**II. MINUTES AND AGENDA**

A motion was made, seconded and carried to **approve with additions** the July 8, 2009 Open Full Board Agenda.

A motion was made, seconded and carried to **approve as written** the April 22, 2009 Open Full Board Minutes.

**III. RULEMAKING 8:09 A.M.**

**REVIEW OF ALL WRITTEN COMMENTS SUBMITTED BY ANY MEMBER OF THE PUBLIC**

**PRESENT FOR ORAL TESTIMONY:**

1. Greg Keen, DMD
2. Bill Olsople, patient of Dr. Keen
3. Michael Rollert, DDS
4. Boyd Tomasetti, DMD
5. Jim Armbruster, DMD
6. Jurak Ajdari, DDS
7. Amupoma Chamalla Mudi, patient of Dr. Ajdari
8. James Dost, DMD
9. Charles Barotz, DDS
10. Tom Hebda, DDS
11. Sarah Douglas-Broten, DMD
12. Carrie Buffalo, Dental Assistant for Dr. Broten
13. Richard Therrin, patient of Dr. Broten
14. William Schwartz, DDS
15. John Bitting, Esq Regulatory Counsel, DOCS
16. Patient of Dr. Ajdari
17. Kristin Pike, RDH
18. W. Mark Brown, DDS
19. David Lurye, DDS

Closed hearing at 10:02 a.m.

**BOARD DISCUSSION**

A motion was made, seconded and carried to **continue the proceedings and to refer this issue back to the Anesthesia Committee** and to invite further oral testimony at the next rulemaking

hearing likely in October. A second motion was made, seconded and carried to **accept additional information from the public.**

**IV. REPORTS**

**PROGRAM DIRECTOR**

Verbal presentation given by Maulid Miskell, Program Director regarding staffing constraints, travel and the Anesthesia Committee - **Board noted.**

**PROFESSIONAL ASSOCIATIONS**

- ADA –** CERP Recognition Standards and Procedures - Call for written comments – **Board noted.**
- AADE –** Composite Update – A motion was made, seconded and carried to **update information.**
- AADE –** Composite 20<sup>th</sup> Edition January 2009 – **Board noted.**
- AADE –** Advocacy Relations Manual Updates – **Board noted.**
- ADLEX –** Technical Report: Class of 2007 - **Board noted.**
- ADEX –** Technical Report on the ADEX/CRDTS Dental Hygiene Licensing Examination Class of 2007 - **Board noted.**
- ADEX –** White Paper to Evaluate All the Initial Dental Licensure Examinations -**Board noted.**
- ADEX –** 2008-2009 Annual Report - **Board noted.**
- CDA –** June 2009 Newsletter - **Board noted.**
- CRDTS –** Verbal presentation from Elizabeth Thompson, RDH regarding CRDTS and the Steering Committee. **Board noted.**
- CRDTS Annual Meeting – Board noted.**
- CRDTS Steering Committee Meeting, Report dated July 5, 2009 -** Laura Jacob, RDH, MA – **Board noted.**
- DANB –** Summer 2009 Newsletter - **Board noted.**
- NEBRASKA DENTAL BOARD –** Newsletter - **Board noted.**
- DENTAL BOARD 2010 SCHEDULE OF BOARD MEETINGS –** A motion was made, seconded and carried to **table** this schedule.

**PEER ASSISTANCE**

PAS 3rd Quarter Report FY 2009 - **Board noted.**

**SIGNED STIPULATION/FINAL AGENCY ORDERS; CEASE & DESIST ORDERS; UNCONTESTED LETTERS OF ADMONITION AND CLOSURE OF STIPULATIONS**

**Board noted.**

SIGNED STIPULATIONS/FINAL AGENCY ORDERS; CEASE AND DESIST ORDERS  
(April 9, 2009 through June 26, 2009)

*1. Signed Stipulations and Final Agency Orders*

ALMEIDA, Adam, DDS	License #8043	Case #2008-000087
Stipulation and Final Agency Order, effective June 16, 2009		
COLM, Stephen DMD	License #7009	Case #2008-0300 & 2008-0302
Stipulated Letter of Admonition with Conditions and Final Agency Order, effective June 2, 2009		
DEROSE, Michael DDS	License #5133	Case #2005-001705
Stipulation and Final Agency Order, effective June 9, 2009		
HERRERA, Thomas DDS	License #104919	Case #2008-001042
Stipulation and Final Agency Order, effective May 5, 2009		
KEMMET, Lori Ann, DDS	License 6929	Case #2006-000337
Stipulation and Final Agency Order, effective June 12, 2009		
KIM, David DDS	License #9093	Case# 2009-001226
Stipulated Letter of Admonition With Conditions, effective May 7, 2009		

UNCONTESTED LETTERS OF ADMONITION and CLOSURE OF STIPULATIONS  
(April 9, 2009 through June 26, 2009)

*1. Uncontested Letters of Admonition*

ALMEIDA, Donald DDS	License #104102	Case #2008-002352
Letter of Admonition, effective May 5, 2009		
BURNS, William DDS	License #8904	Case #2009-002426
Letter of Admonition, effective April 16, 2009		
HANDELMAN, Richard DDS	License #6619	Case #2008-002386
Stipulated Letter of Admonition, effective May 19, 2009		
JOHNSON, Branon DDS	License #8115	Case #2009-002404
Letter of Admonition, effective May 18, 2009		
PETROV, Raya DDS	License #8044	Case #2009-001877
Letter of Admonition, effective April 16, 2009		

*2. Closed Stipulations*

CHAMBERLIN, Christopher DDS	License #5473	Case #2008-003928
Stipulated Letter of Admonition with Conditions, closed June 4, 2009		
COSLEY, LaRon RDH	License #905549	Case #2008-001177
Stipulation and Final Agency Order, closed June 4, 2009		
JAMES, David DDS	License #6764	Case #2008-003691
Stipulated Letter of Admonition, closed June 3, 2009		
ROTA, Joseph DMD	License #104340	Case #2004-003740 & 2006-004790
Stipulation and Final Agency Order, closed April 23, 2009		
MURRAY, Stephen DDS	License #105651	Case #2007-002959
Stipulated Letter of Admonition, closed April 23, 2009		

**CE ETHICS COURSE REVIEW**

1. Professional Boundaries Inc. – Verbal presentation by Abigail Gaskins, Compliance Monitor - **Board noted.**

2. American College of Dentists – Verbal presentation by Abigail Gaskins, Compliance Monitor - **Board noted.**
3. Behavioral Resources – Verbal presentation by Abigail Gaskins, Compliance Monitor - **Board noted.**
4. ProBE – Verbal presentation by Abigail Gaskins, Compliance Monitor - **Board noted.**

### **CONSULTANT APPLICATIONS**

**DAVID STRANGE, DDS** – Consultant Application. Ratify Dr. Murphy’s decision to approve. – A motion was made, seconded and carried to **ratify** Dr. Murphy’s decision.

**WALT VOGL, DDS** – Board Consultant Application – A motion was made, seconded and carried to **table** this application pending additional information.

**H. CANDACE DELAPP, DDS** – CRDTS Examiner Application. – A motion was made, seconded and carried to **table** this application pending a formal statement from CRDTS.

**V. ADJOURNMENT:** The July 9, 2009 Open Full Board meeting of the Colorado State Board of Dental Examiners adjourned at 11:14 a.m. The next meeting will be conducted on October 21, 2009 at 1:00 p.m. in Suite 1380.

*Signed by F. Robert Murphy, DDS*  
**F. Robert Murphy, DDS**  
**Board Chairperson**

*12/2/2009*  
**Date**

Subcommittee Assignments & Activities Log

A-date = date assigned to committee  
B-date = date completed by committee & sent to the full board for review  
R-date = date returned to committee for additional considerations  
C-date = date project completed  
D-date = date deleted

Rules & Regulations, & Jurisprudence	Professional Standards
<u>Members</u> Elizabeth Thompson, RDH. Brian Davidson, M.D. Eve Bluestein, M.D., D.D.S. Steven Tilliss, D.D.S., M.S. Duane Takaki, D.D.S. G. Garo Chalian, D.D.S. Noble Wallace F. Robert Murphy, D.D.S.	<u>Members</u> Melanie Names, JD Catherine Hakala, D.D.S. F. Robert Murphy, D.D.S. Peter D. Carlesimo, DDS Annette G. Isenbart, RDH Lisa M. Reitmaier, RDH
<b>ISSUES</b>	<b>ISSUES</b>
Anesthesia – A - 4/08, R- 4/09, B – 4/09 Professional Protector Plan – A - 4/08 Botox – A - 4/08, B - 7/08	Peer Review Procedure Review HIPAA and Amending Patient Records Functions delegated according to the Colorado Dental Practice Act Practice Monitor Form – A - 4/08

**Finished issues - Rules & Regulations, & Jurisprudence:**

Practice Monitor Immunity from Civil Action – **C-4/97**  
5 years clinical experience in the US for credentials applicants – **C-4/97**  
Qualification of DH/Auxiliaries to administer N20 upon graduation - **C-4/97**  
Delete requirements for patient address from Rule VI – A-1/97, **C-2/97**  
Requirement of the 5 yrs of clinical experience for credentials applicant to be in the US or one of its territories – A-1/97, **C-4/97**  
Immunity from civil action for practice monitors – A-1/97, **C-4/97**  
Qualification of DH/Auxiliary upon graduation from a school, which provides an approved course – A-1/97, **C-4/97**  
Jurisprudence test review – A-1/97, **C-7/97**  
Review of Rules XIV and XVII – A-8/97, **C-9/97**  
Patient records release when there are multiple office locations – A-3/98, **C-11/98**  
Proposed rule on patient records retention – A-8/97, C-9/97, R-6/98, **C-11/98**  
Rules regarding the duties and abilities of denturists – A-10/97, **C-11/98**  
Denturists, advertisements and direct sales to the public – A-1/97, (transferred committees) 11/97, **C-11/98**  
Review of policies – A-1/99, **C-2/00**  
Anesthesia Rules –A-1/99, **C-6/00**  
Statutory requirements for graduation – A-8/99, **C-12/00**  
Peer Assistance Funding – A-6/99, **C-6/01**  
Protocol to follow after Summary Suspension – A-6/99, **C-9/02**  
Scaling and root planning policy – A-9/01, **C-9/01**  
Review of Rules VI and XV – A-6/01, **C-9/02**  
Anesthesia Rules – A- 6/03, **C - 10/06**  
Smoking Cessation – A - 4/08, B -7/08, **C – 10/08**  
Advertising – A - 4/08 - B - 7/08 **C-10/08**

**Finished issues – Professional Standards:**

Utilization review/IME’s – A-1/97, **C-6/97**  
Board policies – A-1/97, B-4/97, **C-6/97**  
Standards for first time dental patients – A-1/97, **C-4/97**  
Infection control consultant training – A-1/97, **C-3/97**  
Procedures for continuing education confirmation – A-1/97, B-12/97, R-12/97, **C-11/98**  
Conflict of interest policy-in concert with CDA/CDHA, etc. – A-1/97, **C-4/97**  
Policy on patient abandonment – A-1/97, **C-8/02**

Computer software and electronic dental records standards – A-1/97, **C-8/02**  
Suggested changes to the Risk Management Courses being offered by The Trust – A-1/97,C  
Use of Laser by DH – A-9/02,C  
Underage patients and consent form – A-4/03  
Dismissal Letter, Complaint Acknowledgement Letter, Information Letter, Complaint Form, and  
Consumer Guide – A-6/03,**C-1/06**

**Deleted Items:**

Pain management clinic – determine the ownership relationship between the many professionals listed  
to include Dr. Ellingson, D.D.S., - A-1/97, **D-1/99**  
Court of Appeals case, Hannigan vs. CO. Real Estate Commission – A-1/97, **D-1/99**  
Licensing requirement – practice location – A-6/99, **D-9/99**  
Dentist's ability to make money while license is suspended – A-1/97, **D-9/99**  
DH & dental assistant delegatable functions – matrix handout – A-1/97, B-1/99, R-3/99, **D-9/99**  
Clindamycin – **D-9/02**  
Peer Review resolutions, reporting of settlements – A-1/99, **D-9/02**  
Telerradiology **D-4/08**